

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARIA ALEJANDRA CELIMEN SAVINO )  
and JULIO CESAR MEDEIROS NEVES, )  
Petitioners-Plaintiffs, )  
v. )  
THOMAS HODGSON, et al., )  
Respondents-Defendants. )  
\_\_\_\_\_  
)

20-cv-10617 WGY

**DEFENDANTS' NOTICE OF TRANSFER OUT OF BRISTOL**

Respondents-Defendants hereby provide the Court and opposing counsel with belated notice that **CARLOS DALELIO MENJIVAR ROJAS** (for removal to El Salvador) and **GERMAN OLIVERIO MIRANDA-TAPIA** (for removal to Mexico) were transferred out of the Bristol County House of Corrections to facilitate their removal from the United States on Tuesday, July 14, 2020. Both have been tested for COVID-19 using an FDA-approved RT-PCR test and received negative results.<sup>1</sup>

Unfortunately, undersigned counsel drafted a timely notice of removal last Thursday, July 9, 2020 and was waiting for ICE to provide an update of the number of detainees after the removal of these two individuals. That update did not come, and undersigned counsel

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<sup>1</sup> FDA has approved a number of vendors' tests on an interim basis pursuant to what it calls an Emergency Use Authorization or "EUA." Upon information and belief, this is a fast-track review process that does not lead to a complete approval, but instead a temporary emergency approval in light of the pandemic. *See, e.g.*, <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization> (accessed 5/28/20). Defendants understand the Court's order to include EUA-approved tests as acceptable.

mistakenly thought that he had filed the notice of removal when he had not. This error is deeply regretted.

Mr. Menjivar-Rojas has subsequently been released voluntarily from ICE custody, however, based on newly-submitted documents received from his immigration (not class action) counsel. Mr. Miranda-Tapia was removed to Mexico on July 14, 2020.

Respectfully submitted,

ANDREW E. LELLING,  
United States Attorney

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July 16, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: July 16, 2020

/s/ Thomas E. Kanwit  
Thomas E. Kanwit